

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DAVID MALLOY, GREGORY W.
BARNHILL, and HOLLY LAMAR,

Plaintiffs,

v.

THE SONGWRITER COLLECTIVE, LLC,
E. JEAN MASON, BUDD CARR, and
FORTRESS CREDIT OPPORTUNITIES I
LP,

Defendants.

No. 3:05-0275
JUDGE ECHOLS

ORDER

For the reasons stated herein and in the Memorandum entered contemporaneously herewith, the Court rules as follows:

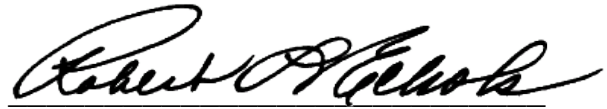
(1) The Motion For Oral Hearing On Behalf Of Defendant Fortress Credit Opportunities I, LP (Docket Entry No. 26), is hereby DENIED because the Court finds that oral argument would not assist the Court in ruling on the Motion to Dismiss.

(2) The Motion To Dismiss On Behalf Of Defendants The Songwriter Collective, LLC, E. Jean Mason and Budd Carr (Docket Entry No. 35) is hereby DENIED.

(3) The Motion To Dismiss On Behalf Of Defendant Fortress Credit Opportunities I, LP (Docket Entry No. 22), is hereby GRANTED IN PART AND DENIED IN PART. The Motion is GRANTED because Plaintiffs do not oppose dismissal of Count V against Defendant Fortress for unjust enrichment, and Count V is hereby DISMISSED WITH PREJUDICE. The Motion to Dismiss is hereby DENIED in all other respects.

This case is hereby returned to the Magistrate Judge for further proceedings consistent with Local Rule 11.

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE